

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY 5:15 P.M. JANUARY 13, 1998

PRESENT:

Joanne Bond, Chairman
Mike Mouliot, Vice Chairman
Sue Camp, Commissioner
Jim Galloway, Commissioner
Jim Shaw, Commissioner

Judi Bailey, County Clerk
John MacIntyre, County Manager
Madelyn Shipman, Legal Counsel

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 E. Ninth Street, Reno, Nevada. Following the pledge of allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

98-1[A] WORK CARD PERMIT APPEAL - ROBERT CASEY

This appeal was considered on MONDAY, JANUARY 12, 1998, prior to the Caucus meeting, the Board having convened with Chairman Bond presiding, to consider the appeal of ROBERT CASEY of the Sheriff's denial and the upholding of the denial by the Internal Review Board composed of Principal Clerk Debra Carr, Captain Frank Barnes of the Patrol Division, and Robert Nolan of Burns International Security as a private security guard with AMERICAN PROTECTIVE SERVICE. It was reported that their job offer to ROBERT CASEY had been rescinded.

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, the Board convened in closed personnel session to hear testimony as to why the work card should or should not be granted. The appellant was present to offer testimony during the closed personnel session as was Lurana Horning, Records Section of the Sheriff's office. Following testimony of both parties, the Board convened in open session and the following action was taken.

On motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the denial be upheld and the appeal of ROBERT CASEY be denied.

98-1[B] AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that the agenda for the January 13, 1998 meeting be approved with the following amendments -- Delete: Item 11E, Request for Leave without Pay, Health Department; and under Item 13(B), Roll Change Request for Granite Construction Company/CB Concrete Company 1998/99 Secured Roll (APN #03205052).

98-2 ELECTION - CHAIRMAN - COUNTY COMMISSION

Commissioner Shaw nominated Chairman Bond to continue serving as Chairman of the Board. Commissioner Galloway seconded the nomination and Chairman Bond was duly elected to serve as Chairman of the Washoe County Commission.

98-3 ELECTION - VICE-CHAIRMAN COUNTY COMMISSION

Commissioner Galloway nominated Commissioner Mouliot to continue serving as Vice Chairman of the Board. Commissioner Camp seconded the nomination and Commissioner Mouliot was duly elected to serve as Vice Chairman of the Washoe County Commission.

PUBLIC COMMENTS

Jeanne Johnson, a South Truckee Meadows resident, requested that the Board re-examine their appointments to committees as it is her belief that there should be more of a balance among the Commissioners. In response, Chairman Bond stated that this issue will be addressed in the near future.

MINUTES

On motion by Commissioner Camp, seconded by Commissioner Mouliot, which motion duly carried, with Commissioner Shaw "abstaining" due to his absence on that date, Chairman Bond ordered that the minutes of the regular meeting of November 25, 1997, be approved.

98-4 PROCLAMATION - "BARBARA DRAKE DAY"

Upon recommendation of Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the following Proclamation be adopted and Chairman Bond be authorized to execute:

PROCLAMATION

WHEREAS, Barbara Drake, arriving in Washoe County with a strong commitment to work for nondiscrimination in housing practices and serving as the first president for Truckee Meadows Fair Housing, has continued to be a major contributor to the betterment of this County through 13 years of service at United Way of Northern Nevada and the Sierra; and

WHEREAS, Barbara Drake has developed some of the most important basic critical needs services in the community, having responsibilities for the first crisis call hot line and referral service, child care services, and shelter and food programs while working with United Way of Northern Nevada and the Sierra; and

WHEREAS, Barbara Drake has established herself as a respected member of the health and human services community, having facilitated valuable community research and training and development of health and human services agencies throughout Washoe County; and

WHEREAS, Barbara Drake has, through her dedicated service, helped improve the lives of many citizens of Washoe County in immeasurable ways, causing the citizens of the County to honor her for her spirit of commitment to the community in all aspects; now, therefore, be it

RESOLVED THAT THE BOARD OF COMMISSIONERS OF WASHOE COUNTY, NEVADA, proclaims January 14, 1998 as BARBARA DRAKE DAY in Washoe County and urges all citizens to recognize and appreciate the importance inherent in this honor.

98-5 APPROPRIATION TRANSFER - EMERGENCY MANAGEMENT

Upon recommendation of Lisa Gianoli, Finance Division, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that an appropriation transfer in the amount of \$2,000.00 allowing the Emergency Management Director to travel to Las Vegas this month for a training conference and for FEMA training in the Spring in Emitsburg, Maryland be approved and the following account transactions be authorized:

| | | |
|------------------|----------------------|------------|
| Department: | Emergency Management | |
| Decrease Account | Description | Amount |
| 001-1551G-7181 | Service Contracts | \$2,000.00 |
| Increase Account | Description | Amount |
| 001-1551G-7620 | Travel | \$2,000.00 |

98-6 ACCEPTANCE OF FOREST SERVICE PARCELS & QUITCLAIM DEED - SANTINI-BURTON LOTS - ENGINEERING

Upon recommendation of Kimble Corbridge, Engineering Division, through David Price, County Engineer, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the transfer of four Burton-Santini lots from the U.S. Forest Service to Washoe County be accepted; and that Chairman Bond be authorized to execute the Quitclaim Deed concerning same.

It was noted that the lots are proposed for the construction of erosion control facilities within the Lake Tahoe Basin.

98-7 WATER RIGHTS DEED - HIDDEN VALLEY PROPERTIES, INC. - WATER RESOURCES

Upon recommendation of John Collins, Utility Services Division Manager, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the Water Rights Deed for 14.0 acre-feet being a portion of Claim 609 between Hidden Valley Properties, Inc., as Grantor and Washoe County as Grantee be approved; that Chairman Bond be authorized to execute the Water Rights Deed; and that the Utility Services Division Manager be directed to record the Water Rights Deed with the County Recorder.

It was noted that the water rights are being dedicated in support of 7 lots in Hidden Canyon Subdivision-4A and in support of future development.

98-8 ACCEPTANCE OF GRANT - STATE OF NEVADA JUVENILE JUSTICE COMMISSION - MENTAL HEALTH SERVICES - FINANCE

Upon recommendation of Brian Mirch, Finance Division, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that a Grant in the amount of \$15,000 from the State of Nevada, Juvenile Justice Commission for mental health services in the Juvenile Services Department for juveniles in custody at Wittenberg Hall be approved and the following account transactions be authorized:

| Increase Revenues | | Increase Appropriations | |
|-------------------|-----------|-------------------------|-----------|
| Account | Amount | Account | Amount |
| 1297G-4301 | \$ 15,000 | 1297G-7442 | \$ 15,000 |

98-9 ACCEPTANCE OF COMPUTER EQUIPMENT - INTERNATIONAL GAME TECHNOLOGY - SENIOR SERVICES

Upon recommendation of Karen Mabry, Director of Washoe County Senior Services, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that a donation of three Gateway 2000 personal computers from International Game Technology (IGT) for use by the Washoe County Senior Services legal Department be accepted with gratitude.

Chairman Bond acknowledged this generous donation from IGT on behalf of the Board and John MacIntyre, County Manager, advised that the Senior Center Director will forward a letter of appreciation to them.

98-10 ACCEPTANCE OF CASH DONATIONS - SENIOR SERVICES

Upon recommendation of Karen Mabry, Director, Washoe County Senior Services, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that the following cash donations totaling \$62,122.33 on behalf of Washoe County Senior Services be accepted with gratitude; and that the Comptroller be directed to make the appropriate account changes:

| Revenues | | Expenditures | |
|-----------|------------|--------------|------------|
| Amount | Account | Amount | Account |
| \$ 100.00 | 2501 -5808 | \$ 372.33 | 2501 -7536 |

| | | | |
|-----------|-------------|-----------|-------------|
| 272.33 | 2501 -5808 | 1,000.00 | 25303G-7000 |
| 1,000.00 | 25303G-5802 | 6,920.00 | 2501 -7205 |
| 1,250.00 | 25443G-5802 | 2,100.00 | 2501 -7828 |
| 9,500.00 | 2501 -5802 | 480.00 | 2501 -7829 |
| 25,000.00 | 25443G-5802 | 26,250.00 | 25443G-7392 |
| 12,500.00 | 25303G-5802 | 12,500.00 | 25303G-7000 |
| 12,500.00 | 25483G-5802 | 10,000.00 | 25483G-7000 |
| | | 2,500.00 | 25483G-7320 |

\$50,000 donation from the E.L. Cord Foundation with the stipulation that \$25,000 be directed to the Home Delivered Meal Program; that \$25,000 be directed to the department's most urgent needs; and that \$12,500 each will benefit the Legal and Adult Daycare programs.

\$1,000.00 donation from General and Vascular Associates for the Adult Daycare program.

\$1,250.00 donation from The Truckee Meadows Quilters Association for the Home Delivered Meal Program.

\$9,500.00 from Nevada Bell and The Communication Workers of America Local 9413 to be used to reupholster all lobby furniture, purchase and install a new sound system, and provide a computer and printer for the Gerlach Senior Program

\$272.33 donation from the Reno Police Department for the ONRI Program to assist with emergency needs.

\$100.00 donation from the Local Chapter 416 of AARP to the ONRI Program.

Chairman Bond acknowledged the generous donations on behalf of the Board and County Manager, John MacIntyre, advised that the Senior Center Director will forward letters of appreciation to the various donors.

98-11 AGREEMENT - ROADARK, INC. - WILBUR D. MAY MUSEUM - PARKS

Upon recommendation of Karen Mullen, Director, Parks & Recreation Department, on motion by Commissioner Shaw, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that an agreement between Washoe County and Road Ark Inc., concerning an "Envenomators" exhibit of North American snakes at the Wilbur D. May Museum from February 13, 1998 to April 26, 1998 be approved and Chairman Bond authorized to execute.

It was noted that the County has agreed to pay a 50-50 revenue split of the gate fees with a minimum \$10,000 per month to be prorated and has agreed to pay shipping not-to-exceed \$1,700 and a housing stipend for the snake keeper in the amount of \$1,125 per month.

98-12 AGREEMENT - SEDGWICK NOBLE LOWNDES - CONSULTING SERVICES - RISK MANAGEMENT

Upon recommendation of Ray Sibley, Risk Manager, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the extension of an Agreement between Washoe County and Sedgwick Noble Lowndes (previously known as Sedgwick Consulting Group) concerning consulting services be approved in an approximate amount of \$20,000 annually (base compensation at \$1,475 per month flat rate) for the period February 1, 1998 to February 1, 1999 and the Risk Manager be authorized to execute.

Upon recommendation of Karen Mabry, Director, Washoe County Senior Services, on motion by Commissioner Mouliot, seconded by Commissioner Camp, which motion duly carried, it was ordered the Purchasing and Contracts Administrator be authorized to enter into a one-year agreement between Washoe County and the Department of Veterans Affairs concerning the provision of Adult Day Health Care Services be approved with two one-year renewal options.

It was noted that the agreement will provide approximately \$15,000 to the approved FY1997-98 Senior Services budget.

98-14 THIRD AMENDMENT TO AGREEMENT - SOUTH MEADOWS PROPERTIES LIMITED PARTNERSHIP - WATER RESOURCES

Upon recommendation of John Collins, Utility Services Division Manager, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, it was ordered that a Third Amendment to the South Meadows Properties Water Service Agreement concerning water service be approved and Chairman Bond authorized to execute.

98-15 INTERLOCAL AGREEMENT - SECOND JUDICIAL DISTRICT COURT - NEVADA STATE WELFARE DIVISION - MEDIATION SERVICES

Upon recommendation of Kathy Krolak, Court Administrator, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, it was ordered that an agreement between Washoe County (Second Judicial District Court) and the Nevada State Welfare Division, concerning provision of mediation services in child support and access and visitation issues relative to meeting the obligation of child support be approved in the amount of \$15,000 for the period October 1, 1997 through September 30, 1998 and Chairman Bond authorized to execute.

98-16 AGREEMENT - KLEINFELDER, INC. - TESTING AND INSPECTION SERVICES - MEDIUM SECURITY JAIL EXPANSION PROJECT - PUBLIC WORKS

Upon recommendation of David Roundtree, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that an agreement between Washoe County and Kleinfelder, Inc., concerning testing and inspection services for the Medium Security Jail Expansion Project be approved and Chairman Bond authorized to execute the documents when presented.

It was noted that the estimated cost of testing and inspection services is \$82,822.60 included in the Public Works project budget and will be paid for with proceeds from the 1996 Public Safety Bond issue.

98-17 REFUND OF TAXES - EMPIRE EQUIPMENT CO. I.D. #2/265-004

This item was deferred from December 23, 1997 [Item No. 97-1283].

Pursuant to District Attorney Opinion No. 6357, on motion by Commissioner Camp, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Bond be authorized to execute on behalf of Washoe County:

RESOLUTION -- Directing the County Treasurer to Refund Taxes

WHEREAS, The Board of Commissioners of Washoe County, pursuant to NRS 354.240 has the authority to direct the County Treasurer to refund to an applicant the amount of money paid into the County Treasury in excess of the amount legally payable; and

WHEREAS, Empire Equipment Co. (Taxpayer) made application for the refund of 1996-1997 personal property taxes because based upon an assessment error which resulted from a clerical error made by Taxpayer, the Assessor's office misappraised the Taxpayers' property, ID 2/265-004; and

WHEREAS, Empire Equipment Co. has overpaid taxes for fiscal year 1996-97 in the amount of \$6,956.04; and;

WHEREAS, it is the opinion of the Board of Commissioners of Washoe County that the applicant for a refund has just cause for making such application and that the granting of such refund would be equitable.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Washoe County as follows:

- 1. That the Treasurer of Washoe County be and hereby is authorized and directed to refund to Empire Equipment Co., a total of \$6,956.04, that amount being the taxes overpaid by Empire Equipment Co., for the tax year 1996-1997 on I.D. #2/265-004.
- 2. The Treasurer of Washoe County is further directed to debit the account of each governmental entity which has shared in the excess of the taxes collected in error for its pro rata share of the refund.

98-18 REFUND OF TAXES - GREGORY C. NEUWEILER APN: 022-020-01

This item was deferred from December 23, 1997 [Item No. 97-1284].

Pursuant to District Attorney Opinion No. 6358, on motion by Commissioner Camp, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Bond be authorized to execute on behalf of Washoe County:

RESOLUTION -- Directing the County Treasurer to Refund Taxes

WHEREAS, The Board of Commissioners of Washoe County, pursuant to NRS 354.240 has the authority to direct the County Treasurer to refund to an applicant the amount of money paid into the County Treasury in excess of the amount legally payable; and

WHEREAS, Gregory C. Neuweiler (Taxpayer) made application for the refund of 1994-1995, 1995-1996 and 1996-1997 real property taxes because, based upon an assessment error, the Assessor's Office misappraised the Taxpayers' property, APN 022-020-01; and;

WHEREAS, Gregory C. Neuweiler has overpaid taxes for fiscal years 1994-1995, 1995-1996 and 1996-1997 in the amount of \$3,162.30; and;

WHEREAS, it is the opinion of the Board of Commissioners of Washoe County that the applicant for a refund has just cause for making such application and that the granting of such refund would be equitable.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Washoe County as follows:

- 1. That the Treasurer of Washoe County be and hereby is authorized and directed to refund to Gregory C. Neuweiler a total of \$3,162.30, that amount being the taxes overpaid by Gregory C. Neuweiler for the tax years 1994-1995, 1995-1996 and 1996-1997 on APN 022-020-01.
- 2. The Treasurer of Washoe County is further directed to debit the account of each governmental entity which has shared in the excess of the taxes collected in error for its pro rata share of the refund.

98-19 CORRECTION OF FACTUAL ERRORS - 1997/98 UNSECURED & 1998/99 SECURED TAX ROLLS - ASSESSOR

Upon recommendation of Thomas Sokol, Assistant Chief Deputy Assessor, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, it was ordered that the following Roll Change Requests correcting factual errors on tax bills already mailed, be approved for the reasons indicated thereon and mailed to the property owners, a copy of which was placed on file with the Clerk. It was further ordered that the Orders directing the Treasurer to correct the errors be approved and Chairman Bond be authorized to execute on behalf of the Commission.

State Farm Mutual Automobile Ins.

I.D.# 2/117-271

Bruno Benna

I.D.# 01223114

2463406

David Barnett

I.D.# 013-096-07

2/319-197

98-20 RETROACTIVE PAY - RECLASSIFIED POSITIONS - JUVENILE SERVICES

This item was continued from December 23, 1997 [Item No. 97-1277].

John MacIntyre, County Manager, reviewed background information concerning this item stating that the Board had requested a policy regarding retroactive pay which will be presented at the January 20, 1998 Board meeting.

Commissioner Galloway stated that the Board had previously indicated they would be more comfortable having a policy drafted prior to taking action on issues regarding retroactive pay, indicating that it might be best to consider this request after the Board has had an opportunity to review the policy.

Rob Calderone, Juvenile Services Director, stated that in this particular case, his request does not fall into the category that the Board is requesting a policy to cover; that he concurs that a policy should exist if a department budget has been previously approved and mid-year a department requests a reclassification of positions that were not included in their original budget and then approaches the Board for retroactive reclassifications. He explained that his circumstances are different as that he had requested the reclassifications during the budget process to be effective July 1, 1997; that numerous computer problems had been encountered within the personnel section of his budget which he and the Finance Department determined would be straightened out after the budget process was over; and that he is requesting that these employees receive compensation for work they have performed which approximates \$3000.00.

Commissioner Mouliot stated that the Board had requested a policy; that this matter has already been continued once; and that if this request is granted, it may set a precedent for someone else to request special circumstances in the future.

Mr. MacIntyre stated that the forthcoming policy will contain language that would prohibit mid-year reclassifications and would be included in the budget process. Mr. Calderone reiterated that the request is not a mid-year "change of stream" request; that it was included in his original budget request; and that if the Board so desires, he would be willing to delay consideration of this item until next week.

Joanne Ray, Chief of Personnel, stated that the change being proposed would cover the County in terms of reclassifications generated from departments throughout the year that are not presented during the budget review process and to allow the Board to see what significant program changes had been made within individual departments; and that under the current process, they come directly to the personnel division for reclassifications without Board review and budget review and in most instances result in a fiscal impact. Ms. Ray explained that Mr. Calderone's statements are accurate; that his request does not affect what he has done in his budget regarding these new classifications; and that she is proposing by way of an ordinance reclassifications through the budget process for Board review and approval in coordination with the Finance Department.

Commissioner Bond stated that this item should not be continued; and that the Board should move forward and review the policy when presented.

Commissioner Mouliot stated that he is not sympathetic to employees who are required to work for a month or two out of their job descriptions and not get compensated for it as this is a common occurrence in the private sector.

On motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, with Commissioner Bond voting "no," it was ordered that this item be continued to January 27, 1998.

John MacIntyre, County Manager, reviewed background information concerning this item contained in an agenda memorandum.

Upon recommendation of Michael Harper, Department of Community Development, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that the release of approximately \$60,600 in Air Quality Mitigation Funds held in trust by the Tahoe Regional Planning Agency to the Incline Village General Improvement District be authorized; and that the release of funds be specifically directed for the purpose of bike path improvements in conjunction with the Third Creek Restoration and Enhancement Project.

98-22 RELEASE OF FINANCIAL ASSURANCE - INCLINE VILLAGE TOURIST COMMERCIAL PLAN AREA - COMMUNITY DEV.

Sharon Kvas, Department of Community Development, reviewed background information concerning this item contained in an agenda memorandum dated January 2, 1998.

Upon recommendation of Sharon Kvas, Department of Community Development, on motion by Commissioner Camp, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that a \$40,000.00 financial assurance provided by recipients of commercial floor area within the Incline Village Tourist Commercial Plan Area be released as recipients are unable to use the commercial floor area allocated to their parcel and have forfeited the allocation.

98-23 SPECIAL USE PERMIT CASE NO. SPB5-12-89 - EXTENSION & EXPANSION - SHA-NEVA, INC. CONDITIONS OF APPROVAL - COMMUNITY DEVELOPMENT

Ron Kilgore, Planner, Department of Community Development, reviewed conditions for Special Use Case No. SPB5-12-89 for Sha-Neva, Inc. previously discussed on December 9, 1997. Mr. Kilgore advised that he had received an amended draft of conditions from Pierre Hascheff, attorney representing Sha-Neva, and reviewed proposed language changes requested by applicant. Discussion then ensued with the Board regarding proposed amendments to the conditions.

Several letters of complaint were placed on file with the Clerk regarding noise and hours of operation.

Following discussion, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that the following conditions for Special Use Permit Case No. SPB5-12-89 (Sha-Neva, Inc.) be approved as amended:

UNLESS OTHERWISE SPECIFIED, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES MUST BE PROVIDED TO SATISFY THE CONDITIONS PRIOR TO SUBMITTAL FOR A BUILDING PERMIT. THE AGENCY RESPONSIBLE FOR DETERMINING COMPLIANCE WITH A SPECIFIC CONDITION SHALL DETERMINE WHETHER THE CONDITION MUST BE FULLY COMPLETED OR WHETHER THE APPLICANT SHALL BE OFFERED THE OPTION OF PROVIDING FINANCIAL ASSURANCES. ALL AGREEMENTS, EASEMENTS, OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL HAVE A COPY FILED WITH THE COUNTY ENGINEER AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

THIS PERMIT SHALL EXPIRE FIVE YEARS AFTER FINAL APPROVAL BY WASHOE COUNTY.

COMPLIANCE WITH THE CONDITIONS OF THIS SPECIAL USE PERMIT IS THE RESPONSIBILITY OF THE APPLICANT, HIS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY AND THEIR SUCCESSORS IN INTEREST. FAILURE TO COMPLY WITH ANY CONDITIONS IMPOSED IN THE ISSUANCE OF THE SPECIAL USE PERMIT MAY RESULT IN THE INSTITUTION OF REVOCATION PROCEDURES.

WASHOE COUNTY RESERVES THE RIGHT TO REVIEW AND REVISE THE CONDITIONS OF THIS APPROVAL SHOULD THEY DETERMINE THAT A SUBSEQUENT LICENSE OR PERMIT ISSUED BY WASHOE COUNTY VIOLATES THE INTENT OF THIS APPROVAL.

GENERAL CONDITIONS

1. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. The

Department of Community Development shall be responsible for determining compliance with this condition.

2. A copy of the Final Order stating conditional approval of this special use permit shall be attached to all applications for administrative permits issued by Washoe County.
3. The applicant shall submit a detailed mining plan, to include adequate measures addressing safety and environmental concerns, including but not limited to hours of operation and maintenance, fencing and signage, storm drainage, stockpiling of topsoil, and erosion control, both during the operation and for the phased reclamation of the site upon completion of mining for each phase of the operation, to the satisfaction of the County Engineer and the District Health Department.

The Washoe-Storey Conservation District shall review the slope stabilization and the phased revegetation portion of the mining plan. Once the plan is approved, the applicant shall post an adequate financial assurance to the satisfaction of the County Engineer. The County Engineer shall annually review the financial assurance and adjust its amount as deemed appropriate.

During the period of operation, the applicant's mining plan shall allow for and preserve the historic topographical drainage. In so complying, the applicant shall in no way increase drainage and/or runoff water to or from any adjacent property.

4. The applicant shall ensure that any financial assurances required by the provisions of this special use permit are maintained for the life of the project to the satisfaction of the County Engineer. Should transfer of the site or the special use permit occur without the continuation of the financial assurances, this special use permit shall become null and void.

5. During the period of operation, all loads of material exiting the site shall be tarped or treated for dust or loose material, to the satisfaction of the District Health Department and Nevada Department of Transportation.

6. The applicant shall not stockpile any material on Phase 3 or south of Hungry Valley Road.

7. The hours of operation for mining shall be 8:00 a.m. to 5:00 p.m., with a 15-minute warm-up and shutdown period. Water truck operation may commence at 7:00 a.m. if necessary for dust control. Mining operations will only be allowed on weekdays, exclusive of holidays.

8. Upon emergency request by a governmental entity for road deicing sand, operation outside of the above authorized hours will be permitted as approved by the Director of Public Works or the County Engineer. When neither official is available to approve an exception for the authorized hours of operation, permittee may operate during normally unauthorized hours in order to satisfy the emergency request, subject to subsequent approval by the Director of Public Works or the County Engineer, as soon as either becomes available. During operation for emergencies, there shall be no actual mining and activity shall be limited to the loading of trucks from existing stockpiles.

9. Hungry Valley Road shall be reconstructed after excavation at a grade to be determined by the County Engineer. The entire length of the road from the cattle guard to the eastern property line shall be surfaced with 6 inches of Type II Class B aggregate base to a width of 24 feet. Commencing at the cattle guard, and extending for 200 feet, Hungry Valley Road shall be paved with 2 inches of asphalt concrete. All work shall be in accordance with Washoe County standards.

During the mining of Phase 3, the applicant shall maintain Hungry Valley Road through the site for two wheel drive vehicles to a level of service at least consistent with the condition of the road immediately to the east. The holder of SP-35-69W (Whispering Pines Trailer Lodge) is obligated to also participate in this maintenance provided, however, the applicant will maintain Hungry Valley Road during the relocation and reconstruction phase up to and including its property line.

10. To the extent that the permittee uses the haul road or other plant facilities located on the property permitted under SP-30-65W for sand extraction, processing, stockpiling, transporting or other activities stemming from conduct allowed under this permit, all terms and conditions of SP-30-65W shall apply.

11. The applicant shall obtain an "Authority to Construct/Permit to Operate" from the District Health Department.
12. If the District Health Department determines that the proposed project falls under the prevention of significant deterioration (PSD) regulations, any requirements to be met and any subsequent permits issued by the District Health Department, shall be made a part of this special use permit.
13. During the period of operation, the applicant shall provide adequate on-site dust control in the pit area, on haul roads and for any material processing to the satisfaction of the District Health Department.
14. Construction noise and ongoing operational noise associated with the project shall meet all noise standards of the Development Code, and in addition, noise shall not exceed 65 dB leq(10) at the surrounding property owner's property line. Upon unresolved complaint from surrounding property owner(s) of excessive noise, Washoe County may secure the services of a qualified noise consultant. The applicant shall be obligated to compensate the county for all costs incurred to complete two 24 hour monitorings of the operation to assure compliance with noise standards. Failure to compensate the county within 30 days of presentation of the contract fee shall render this special use permit null and void. Should the noise monitoring report substantiate non-compliance with noise standards, within one week the applicant shall secure the services of a qualified noise consultant to promptly prepare a noise attenuation plan for submittal to the Department of Community Development within 30 days. Upon approval of the submittal by Department of Community Development staff, the plan shall be immediately implemented and continuing monitoring shall be established. A second violation of the above standards in the same general area within 6 months shall result in the shut down of the equipment causing the violation until Department of Community Development staff is satisfied that operations have been corrected so that another violation will not occur. All cost incurred shall be funded by the applicant to ensure compliance with noise standards.
15. Prior to any excavation in phase 2, the phase 2 berm as detailed in the applicant's submittal shall be constructed. Prior to any excavation in phase 3, berms as detailed in the applicant's submittal shall be constructed. These berms shall be removed at the conclusion of excavation of phase 3.
16. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts, shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

17. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the special use permit to meet with the Department of Community Development to review conditions of approval prior to the final sale of the site and/or the special use permit. Any subsequent purchaser/operator of the site and/or the special use permit shall notify the Department of Community Development of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.

18. The applicant will not renew or request expansion of the mining area under special use permit SPB5-12-89 and may only request an extension in time to stockpile, store, sell and dispose of the mined material after expiration of the 5 year period.

19. Sufficient top soil removed shall be stockpiled for use in future restoration of the site.

20. No scrapers will be allowed during any of the mining operations until after the berms are constructed and Washoe County installs a sound meter and determines the sound levels resulting from the entire operation, including the use of scrapers, does not exceed 65 dB leq(10). In the event Washoe County determines the sound levels do not exceed 65 dB leq(10) at the surrounding property owner's boundary line, scrapers will be allowed only to remove brush and over burden, and only for a period not to exceed

a total of 60 days.

21. The setback for Phase 2 shall be increased from the 20 feet as provided in the mining plan to 200 feet, commencing at the applicant's property line. The applicant shall not mine that portion of Phase 2, which is located within the 200 foot setback with the exception of the construction of noise attenuation berms. In addition, the applicant shall notify the Washoe County Department of Community Development and the North Valley Citizens Advisory Board prior to mining or disturbing the property located within 300 feet of the applicant's property line in order to provide notice of the commencement of mining activities within the 300 foot area. The applicant shall have 60 working days after providing notice to mine the property commencing 300 feet from the applicant's property line and ending at the 200 foot setback.

22. The setback for Phase 3 shall be increased from the 20 feet as provided in the mining plan to 200 feet, commencing at the applicant's property line. The applicant shall not mine that portion of Phase 2, which is located within the 200 foot setback with the exception of the construction of noise attenuation berms. In addition, the applicant shall notify the Washoe County Department of Community Development and the North Valley Citizens Advisory Board prior to mining or disturbing the property located within 300 feet of the applicant's property line in order to provide notice of the commencement of mining activities within the 300 foot area. The applicant shall have 100 working days after providing notice to mine the property commencing 300 feet from the applicant's property line and ending at the 200 foot setback.

23. The applicant shall temporarily locate Hungry Valley Road 50 feet from the current alignment instead of 120 feet as shown on the mining plan. Subject to the approval of the Washoe County Engineer.

24. The applicant shall construct three noise attenuation berms to a height of approximately 10 feet. The berms for phase 2 and 3 shall be constructed within the 200 foot setback and will be located on the eastern portion of the setback on phase 3 and the northern portion of the setback on phase 2, respectively, away from the residences. The phase 2 berm shall be constructed prior to commencement of mining activities on phase 2. The phase 3 berm shall be constructed prior to commencement of mining activities on phase 3. The existing berm adjacent to Phase 2 (formerly the Youngberg property) will be removed and replaced by a third berm within the 200 foot setback. This berm may connect to the berm to be constructed for Phase 2.

25. The applicant shall install a sign on the corner of Chickadee Drive and Lemmon Drive (subject to the approval of Washoe County or other required agencies), informing the public that Chickadee is not a haul road.

26. The applicant shall remove the existing cattle guard and replace it with a striped guard subject to approval by Washoe County, the BLM, or other required agencies at the time of the paving of the 200 foot section of Hungry Valley Road.

27. The tunnel conveyors under Hungry Valley Road required for phase 3 and as described in the mining plan, shall be located at least 800 feet from the west BLM property line.

28. The Department of Community Development shall report back to the Washoe County Commissioners on compliance with the conditions of this permit one year after approval of these conditions.

98-24 BILL NO. 1178 - ORDINANCE NO. 1003 - AMENDING WCC CHAPTER 110 - ARTICLE 706 DRAINAGE PROJECT IMPACT FEES - SOUTHEAST TRUCKEE MEADOWS SPECIFIC PLAN AREA

7:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on December 15 and 22, 1997, to consider second reading and adoption of Bill No. 1178. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing and called on anyone wishing to speak for or against the adoption of said Ordinance. There being no response, the hearing was closed.

On motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that Bill No. 1178, Ordinance No. 1003, entitled, "AN ORDINANCE AMENDING CHAPTER 110 OF THE WASHOE COUNTY CODE (DEVELOPMENT CODE) AND

AMENDING ARTICLE 706 TO ADD DRAINAGE PROJECT IMPACT FEES TO BE IMPOSED WITHIN THE SOUTHEAST TRUCKEE MEADOWS SPECIFIC PLAN AREA; AND OTHER MATTERS PERTAINING THERETO," be approved, adopted and published in accordance with NRS 244.100.

98-25 BILL NO. 1179 - AMENDING WCC CHAPTER 110 - ARTICLE 436 - STREET DESIGN STANDARDS

7:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on January 2, 1998, to consider second reading and adoption of Bill No. 1179. Proof was made that due and legal Notice had been given.

Michael Harper, Department of Community Development, reviewed background information regarding the ordinance proposing to amend level of service standards in RTC policies, adding Asphalt Institute (AASHTO) standards or other industry standards for asphalt pavement structural sections, deleting variances as a process for modifying street sections and substituting actions by the County Engineer based upon certain criteria, amending criteria for roadway sections and sidewalks, amending standards for horizontal curves and curb returns, amending standards to pavement for collector streets and changing the standard for cul-de-sac bulb right-of-ways.

Mr. Harper explained that the primary issue raised at the Planning Commission was a concern that the Regional Streets and Highways Master Plans for roads may have a different standard than the level of service being proposed in this ordinance; that the Regional Transportation Commission (RTC) has expressed concerns that streets proposed on the Regional Road Impact Fee (RRIF) network of streets and highways may not meet their standards if County standards were to be followed and may exclude developers from applying for RRIF credit; and that the ordinance is not intended to reduce the level of service for County maintained roads.

Dave Price, County Engineer, responded to questions raised at yesterday's caucus regarding design life, change in design standards, concerns regarding the life of streets in Washoe County which may suffer due to changes in design standards, on-street parking, the potential of narrowing streets, the effect on parked vehicles and turnaround ability for fire vehicles and buses. He explained that the proposed ordinance changes do not affect the current design life criteria of 20 years; that they have modified requirements for minimum thickness' which were previously 3" of asphalt on a 6" base for a local street as a minimum which remains the same, although they have modified the collector road minimums from 4" on 6" currently, to 3" on 6"; and that an engineering analysis for a design life of 20 years must indicate that 3" on 6" will render a 20-year life.

Commissioner Galloway stated that there should be some consideration in the ordinance for street standards in high altitude areas.

Mr. Price discussed bus standards stating that they differ with respect to required widths and right-of-ways and Chairman Bond expressed concern with regard to narrowing streets and eliminating the possibility for future bus routes and Mr. Price stated that he would not recommend narrowing of right-of-ways.

Commissioner Mouliot stated that he opposes narrowing streets in a subdivison which could increase the number of homes that could be constructed on smaller streets and would make them less safe for children. He was informed that density would not increase since that is governed in land use designation.

Chairman Bond stated that the main concern is that the Board does not desire to see County roads fall apart due to lowering base requirements or asphalt requirements; that they do not desire to come back in the future and attempt to purchase easements and right-of-ways to widen roads and provide bus routes which they might be unable to do with the passage of this ordinance.

Mr. Price explained that with regard to street radius, every plat map is reviewed to ensure code is being followed; that they are attempting to accomplish slower speeds on many local streets with a 15 mph speed limit.

Commissioner Camp stated that she is not comfortable adopting the ordinance with the exception of Section 110.436.15 (b) which refers to the RTC as she would rather err on the side of the taxpayer and have a street last for 30 years instead of 20 years rather than taking the chance of having to replace streets earlier as well as the radius problems and other issues previously raised.

Chairman Bond opened the public hearing and called on those wishing to speak.

Howard Riedl, Regional Transportation Commission, responded to questions of the Board regarding the RRIF and design standards stating that there are many different considerations in designing collectors and arterial roads; that the County may be concerned about the ability to enable fire trucks to get in and out of neighborhoods and therefore may require wider streets; that the RTC is concerned about keeping their impact fee low enough and not having to provide developers impact fee credits for street sections wider than necessary to get vehicles from one point to another; that several County streets are wider than arterials and major collectors that they design; and that the RTC would like to avoid any misunderstanding that when a developer builds to Washoe County standards that they are going to get impact fee credit for all improvements made as they only get impact fee credits for the improvements needed to increase the capacity, not improvements needed for fire truck ingress or egress and landscaping. Mr. Reidl further explained that normally their bus routes are on collector systems and their standards have a radius of 25 feet on corners which accommodate 40 foot buses.

Jeff Codega, Jeff Codega Planning & Design, stated he is a member of the Development Services Advisory Committee (DSAC) and worked on the proposed code changes; that this process establishes criteria and hopefully establishes a more thoughtful planning process; that these changes are not intended to negatively impact RTC; and that RTC added their input as their concern is with the impact fee program.

Randy Walter, McKay & Soms, a member of the Washoe County Design Review Committee, stated that they are attempting to provide tools for creativity and flexibility in neighborhood design; and that these changes are primarily to increase the safety of neighborhood streets.

There being no one else wishing to speak, Chairman Bond closed the public hearing.

Commissioner Shaw stated that he does not believe the ordinance properly identifies neighborhood streets; that he would request that this issue be identified more specifically in the ordinance; and that several issues still remain outstanding and unresolved.

Commissioner Mouliot stated that he would vote against the ordinance if the easements and right-of-ways were not retained.

Commissioner Camp stated that she does not support the ordinance as proposed.

Mr. Harper then suggested holding a workshop with DSAC to address issues raised in previous testimony.

Following discussion, on motion by Commissioner Mouliot, seconded by Commissioner Galloway, which motion duly carried, Chairman Bond ordered that Bill No. 1179, Ordinance No. 1004 entitled, "AN ORDINANCE AMENDING CHAPTER 110 OF THE WASHOE COUNTY CODE (DEVELOPMENT CODE) TO AMEND ARTICLE 436, STREET DESIGN STANDARDS AND OTHER MATTERS PERTAINING THERETO," be defeated to allow staff additional time to address outstanding issues as identified in previous testimony.

98-26 BILL NO. 1180 - ORDINANCE NO. 1004 - AMENDING WCC CHAPTER 110 - DEVELOPMENT CODE AMENDMENT - DCA97-3 - MODIFYING PROVISIONS CONCERNING ANTENNAS

7:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on January 2, 1998, to consider second reading and adoption of Bill No. 1180. Proof was made that due and legal Notice had been given.

Mike Harper, Department of Community Development, reviewed proposed changes to the ordinance regarding wireless communications facilities, support facilities for cellular phones and personal communication device systems and gave an overhead presentation concerning proposed amendments to Article 324 of the Development Code, effects of the amendments, CAB comments and the Planning Commission action. Mr. Harper explained that this issue was brought before the Board approximately 1-1/2 years ago with two issues of concern: (1) that a number of wireless facilities specifically freestanding monopoles and lattice poles to support antennas were occurring very frequently, and (2) that the Telecommunications Act had been signed by President Clinton creating some significant restrictions on local governments' ability to regulate wireless facilities; and that prior to that time they were

regulating the wireless facilities primarily through a commercial antenna ordinance which was intended for radio, television station towers and repeater sites.

Mr. Harper referenced correspondence faxed to Chairman Bond from AT&T Wireless Services which was placed on file with the Clerk, addressing three areas of concern regarding Section 110.324.50(b) which does not allow for the development of new poles within 1/4 mile of an existing or proposed pole, Section 110.324.54(c) linking continued operations of a permitted facility to the term of the lease and Section 110.324.55(c) providing for a height limit of 41 feet.

Commissioner Shaw inquired whether there are average heights in other communities for these poles, and Mr. Harper stated that height limits vary according to required wattage and capacity.

Commissioner Galloway inquired if the height requirement were left in place if a variance process would remain, and Mr. Harper stated that he is not recommending a height limitation for free standing poles that sit on the ground as they require a special use permit; that it is difficult to justify a height standard; and that the only circumstances where 41 feet is restricted would be reviewed through another permitting process.

The Chairman opened the public hearing and called on anyone wishing to speak for or against the adoption of said ordinance.

Keith Bray, AT&T Wireless Services, referred to the correspondence referred to in previous testimony from AT&T stating that the industry supports the ordinance; that they are still concerned with the section of the ordinance pertaining to the 1/4 mile restriction put into effect by the Planning Commission and requests that this be stricken as there is a special use permit process which would kick into place to cover this provision.

Rand Lewman, Airtouch Cellular, stated that the 41 foot height standard is his responsibility which had to do with a specific site that Airtouch was applying for; that the Planning Commission misunderstood what he was attempting to do; that it had to do with a FCC requirement of maintaining a certain elevation above the ground and had nothing to do with an average; and that the 41 foot requirement is irrelevant.

Commissioner Galloway stated that he would like to amend the ordinance to require the 1/4 mile restriction to apply only to antennas not requiring a special use permit and to eliminate the height limitation of 41 feet.

Madelyn Shipman, Assistant District Attorney, stated that both changes are not less restrictive due to safeguards otherwise imposed by the ordinance such as the requirement for a special use permit and therefore this would not be a substantial change to the ordinance.

There being no one else wishing to speak, Chairman Bond closed the public hearing.

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that Bill No. 1180, Ordinance No. 1004, entitled, "AN ORDINANCE AMENDING CHAPTER 110 OF THE WASHOE COUNTY CODE (DEVELOPMENT CODE) TO AMEND DIVISION 3, CONTENTS; ARTICLE 300, REGULATION OF USES: TITLE AND CONTENTS; ARTICLE 302, ALLOWED USES; ARTICLE 304, USE CLASSIFICATION SYSTEM; ARTICLE 324, ANTENNAS; ARTICLE 402, DENSITY/INTENSITY STANDARDS; AND OTHER MATTERS PERTAINING THERETO," be approved as amended, adopted and published in accordance with NRS 244.100.

It was further ordered that Development Code Amendment Case No. DCA97-3 be approved subject to the following findings:

FINDINGS:

1. The amendments conform to the requirements of the Telecommunications Act of 1996.
2. The amendments identify preferred location and types of antenna supports for wireless facilities.

3. The amendments provide incentives for locating in preferred locations and using preferred antenna supports and disincentives for locating in less preferred locations and using less desirable antenna supports.
4. The amendments provide for citing criteria for different types of wireless facilities.
5. The amendments are in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan.
6. The amendments will not adversely impact the public health, safety, or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code.
7. The amendments respond to conditions that were not foreseen at the time the Development Code was adopted and the requested amendments allow for more flexibility in the utilization of land within the regulatory zones.
8. The amendments may assist in the implementation of the Conservation Element and will not adversely affect the implementation of the Population Element.
9. The Planning Commission gave due and careful consideration to the information provided in the staff report, other written testimony received and the testimony presented at the public hearing.
10. The Washoe County Board of County Commissioners gave reasoned consideration to the information transmitted from the Washoe County Planning Commission and to the information received during the public hearing.

98-27 BILL NO. 1181 - ORDINANCE NO. 1005 - AMENDING WCC CHAPTER 110 - TRUCKEE CANYON AREA

7:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on January 2, 1998, to consider second reading and adoption of Bill No. 1181. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing and called on anyone wishing to speak for or against the adoption of said Ordinance.

Ron Kilgore, Department of Community Development answered questions posed by Lyn Mundt, a resident of Whites Creek Lane, regarding Section 110.222.10 relating to Truckee River Corridor Standards.

There being no one else wishing to speak, Chairman Bond closed the public hearing.

On motion by Commissioner Mouliot, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that Bill No. 1181, Ordinance No. 1005, entitled, "AN ORDINANCE AMENDING CHAPTER 110 OF THE WASHOE COUNTY CODE (DEVELOPMENT CODE) BY AMENDING ARTICLE 222, TRUCKEE CANYON AREA, THEREOF," be approved, adopted and published in accordance with NRS 244.100.

98-28 APPEAL - COMPREHENSIVE PLAN AMENDMENT CASE NO. CPA97-SWTM-1 (E.A. COLLINS PROPERTY)

7:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno-Gazette Journal on January 2, 1998 to consider the appeal of Summit Engineering Corporation, on behalf of applicant E.A. Collins, of the decision by the Planning Commission to deny a request to amend the Southwest Truckee Meadows Area Plan, being a part of the Washoe County Comprehensive Plan. The amendment request would re-designate a +1.7 acre portion of Assessor's Parcel Number 44-371-03 from the land use category of Low Density Suburban (LDS) to General Commercial (GC). The parcel, totaling +3.44 acres and addressed at 325 Vera Drive, is located northwest of the intersection of Foothill Road and South Virginia Street. The parcel is found within the Truckee Meadows Hydrographic Basin, in Sections 7 & 8, T18N, R20E, MDM. Administrative changes are necessary to reflect the changes requested within this application, including a revised Public Services and Facilities Map and a revised table of land use acreage. The parcel is designated as "Suburban" on the Truckee Meadows Regional Planland use diagram, therefore a Regional Plan amendment should not be required. Proof was made that due and legal notice had been given.

Mike Boster, Department of Community Development, reviewed background information regarding the appeal and gave an overhead

presentation depicting current landuse designations, floodplains and wetlands located on the property.

Bill Thomas, Summit Engineering Corporation, representing applicant, reviewed the history of applicant's properties stating that during the transition process, Mr. Collins lost C-2 zoning on a portion of his property which gave him only two choices, (1) to do a development plan and (2) to do an area plan; that since he did not have a development project and did not want to come forward with something he did not intend to do, his only option was to apply for an area plan amendment and after the application was submitted, they met with immediate neighbors to discuss their plans; that the result of those meetings gained support from residents of Sierra Manor, although they had concerns with the height of the building, and as a result, Mr. Collins addressed their concerns by agreeing to a deed restriction limiting his project to one story.

Mr. Thomas explained that the other areas of concern related to access to South Virginia Street, impact to Foothill Road, wetlands and the type of development proposed for the site. He stated that with respect to the access issue, the Nevada Department of Transportation will not grant access until an encroachment permit is granted and this cannot be done until a specific design is submitted; that Mr. Cadjew, property owner immediately north, would be willing to grant joint access but not until he sees a specific project, concluding that who better than Mr. Collins would not want access from South Virginia; that this is a commercial piece of property; and that the value is directly related to having access to South Virginia Street.

Mr. Thomas stated that with regard to Foothill Road, the neighbors expressed concern about widening of the road which they oppose; that Summit Engineering had a traffic study performed, which concluded that additional traffic that could be generated by this project would be significantly below that needed to widen the street. In addition he referenced a letter from RTC which states that this project would have a minimal impact on the streets; that no widening is planned in the area; and that it would meet the level of service standards.

With regard to wetlands, Mr. Thomas advised that the U.S. Corp of Army Engineers establishes a threshold for smaller parcels; that this area is comprised of half an acre spread across different portions of the site; that the Regional Plan designates regionally significant wetlands which do not exist on this property; that the County Code and the County Comprehensive Plan state that there are environmental constraints particularly with regard to wetlands which designates property to be general rural; and that this property is designated for development.

Mr. Thomas then discussed the development plan stating that the main fear of residents living in the area is a large scale development that may not be compatible with the neighborhood; that Home Depot and Target stores approximate 130,000 square feet and 120,000 square feet respectively and are situated on 15 acre sites; that this property is comprised of 1.7 acres which would not accommodate this kind of development on the property; and that should not be as issue in determining the zoning.

Mr. Thomas then presented a concept plan and rendering of the project for the Board's review.

Chairman Bond opened the public hearing and called on those wishing to speak.

The following individuals spoke in opposition to the plan amendment representing the Southwest Truckee Meadows Citizens Advisory Board, the South Hills Homeowners Association and residents of Sierra Manor Subdivision citing concerns regarding access to South Virginia Street, conflict with the Southwest Area Plan, the preservation of wetlands, safety and traffic issues relating to Foothill Road, buffering zones, non-conditioning of area plan amendments, project height, architectural design and noise.

- Lyn Mundt, Secretary, Southwest Truckee Meadows Citizen Advisory Board
- Valerie Truce, a resident of Sierra Manor Subdivision
- Bill Brush, 320 Vera Drive
- Ellen Steiner, 12045 Broken Hill Road
- Bill Hoffman, a resident of Vera Drive

There being no one else wishing to speak, the Chairman closed the public hearing.

In conclusion, Mr. Thomas stated that this property is not located in the middle of a neighborhood; that it is located on South Virginia Street; that there was a significant amount of discussion with the CAB regarding outstanding issues; that the CAB

ultimately recommended approval of the project; that residents of the Sierra Manor subdivision thought the project made sense; that a project on a 1.7-acre parcel which was improperly designated in the first place should not be held up based on fears regarding the County's commercial zoning, what may or may not happen on Foothill Road; and that there would be no reason for people coming to this area from another neighborhood to drive down Foothill to get to this site as they would travel on South Virginia Street.

Lyn Mundt, concluded that the Southwest Truckee Meadows Citizens Advisory Board desires to have a site specific project; that this is a request for a change in land use; and that they oppose the approval of the comprehensive plan amendment as it does not require conditions of approval for the proposed project.

Mr. Boster then addressed concerns raised in previous testimony and answered questions of the Board explaining that the three major areas for review of a comprehensive plan amendment include a community vision, compatible land use and infrastructure; and allowed uses under general commercial zoning that would not require anything other than a building permit.

Commissioner Galloway summarized that the majority of the neighbors are located some distance away from the project on the other side of Vera Drive; that residents who may come along at a later date should this request be granted would be on the two LDS parcels currently owned by Mr. Collins in which case they have full knowledge of the zoning and would therefore, be most affected; that in addition, buffering would be required between the commercial property and their property; that if the other properties were to be combined with General Commercial, this would ensure access that the CAB is concerned about and would ensure that there would be access more than 300 feet from Foothill Road.

Madelyn Shipman, Assistant District Attorney, stated that although only one finding must be made to approve the plan amendment, one finding does not mandate that the amendment be approved.

Commissioner Shaw stated that he opposes the project due to the access issue to South Virginia Street and protection of wetlands on the property.

Commissioner Camp stated that although she is sympathetic to concerns expressed by the citizens advisory board, the Commission is governed by specific statutes regarding plan amendments which in this case, makes it very difficult for her to prevent the amendment from occurring; and that the only logical development on South Virginia Street is commercial development.

Following discussion, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, with Commissioner Shaw voting "no," Chairman Bond ordered that the appeal be upheld and Comprehensive Plan Amendment Case No. CPA97-SWTM-01 for E.A. Collins be approved based on the following findings:

1. The proposed amendments to the Southwest Truckee Meadows Area Plan are in substantial compliance with the policies and action programs of the Comprehensive Plan and will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element.
2. The proposed amendments to the Southwest Truckee Meadows Area Plan will provide for land uses compatible with existing and planned uses and will not adversely impact the public health, safety or welfare.
3. The proposed amendments to the Southwest Truckee Meadows Area Plan will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.
4. The proposed amendment to the Southwest Truckee Meadows Area Plan demonstrates adequate future infrastructure capacity to serve the additional projected demand for the requested land use designation (i.e. regulatory zone).
5. The administrative change amendments to the Southwest Truckee Meadows Area Plan respond to changed conditions and/or further studies that have occurred since the plan was adopted by the Board of County Commissioners. Specifically, the amendments will reflect the Regional Open Space Plan designations for federal lands.

6. The proposed amendment to the Southwest Truckee Meadows Area Plan is the first amendment to the Plan in 1997, and therefore does not exceed the three permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code.

7. The Washoe County Planning Commission public hearing, prior to the adoption of the proposed amendments(s) to the Southwest Truckee Meadows Area Plan, and the related changes to the text and maps of the plan, has been properly noticed in a newspaper of general circulation in the County as prescribed under NRS278.210(1).

8. The Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing.

9. The Washoe County Commission gave reasoned consideration to information contained within the reports transmitted to the Washoe County Planning Commission and the Washoe County Commission, and information received during the Washoe County Commission public hearing.

98-29 RENO-STEAD CORRIDOR JOINT PLANNING AREA BOUNDARIES - CITY OF RENO

7:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on January 2, 1998 to consider the recommendation of the Reno Planning Commission and the Washoe County Planning Commission to approve the Reno-Stead Corridor Joint Planning Area boundary as presented by staff. The area is generally located along North Virginia Street in the vicinity of Red Rock Road, Stead Boulevard, and Lemmon Valley Drive. The Reno-Stead Corridor Joint Plan will, when ultimately adopted, determine the future development of the area as it relates to the City of Reno Sphere of Influence Plan and the North Valleys Area of the Washoe County Comprehensive Plan. Proof was made that due and legal notice had been given.

Tony Chinyere, Associate Planner, City of Reno, reviewed background information contained in his staff report dated January 13, 1998 and gave an overhead presentation concerning the proposed boundaries for the Reno-Stead Corridor Joint Planning Area and answered questions of the Board.

Commissioner Mouliot stated that residents of Anderson Acres, Horizon Hills and Grandview Terrace are opposed to being annexed into the City of Reno although they have requested to be included in the planning process.

Dean Diederich, Department of Community Development, explained the joint planning process stating that this process will take approximately twelve months but not more than two years; and that in order for the City of Reno to request a change in their Sphere of Influence, they would have to do that through a regional plan amendment.

Chairman Bond opened the public hearing and called on those wishing to speak.

Alice Trail, a resident of Anderson Acres, stated that annexation should require a vote of the people; and that she would like to know what the County and the City of Reno have to offer.

Dorothy Macalinden, Chairman, Stead District Council, stated that they had between 50 and 100 people who attended their meetings regarding this issue, and it is her belief that elected officials should determine the boundaries.

Nancy O'Massey, representing Anderson Acres, stated that they recently formed the Anderson Acres Homeowner's Association; that they do not want to be annexed into the City of Reno; that they are concerned about the proposed boundary map; that they feel the City of Reno is becoming very "grabby"; and that they desire to retain the wide open spaces in their area.

Gary Farrow, North Valley Citizens Advisory Board member, spoke in support of the proposed Reno-Stead Corridor Plan and boundaries stating that the CAB adopted the boundaries as of January 1, 1998 which has been a cooperative effort that they have been working on for eight years.

There being no one else wishing to speak, the public hearing was closed.

Commissioner Mouliot stated that in his opinion this is an attempt by the City of Reno initiate or expand another sphere of

influence.

Mr. Diederich advised that Cynthia Albright, Department of Community Development, will be working on the Reno-Stead Corridor Joint Planning Area in coordination with the City of Reno staff.

Following discussion, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, with Commissioners' Mouliot and Galloway voting "no," Chairman Bond ordered that the Reno-Stead Corridor Joint Planning Area boundaries be approved as outlined by staff from Washoe County and the City of Reno.

It was noted that the proposed boundary map prepared by the Department of Community Development was placed on file with the Clerk.

COMMISSIONERS'/MANAGER'S COMMENTS

Chairman Bond stated that when a holiday falls on a Monday, she would request that the caucus meeting be held on the Friday preceding the holiday. Following discussion, the Board concurred with Chairman Bond's request suggesting an afternoon caucus be held which would not include workshop sessions under these circumstances only.

Chairman Bond stated that several individuals have filed applications to serve on the Airport Noise Advisory Panel; and that she is requesting one Board member to interview applicants. Commissioner Camp volunteered to participate in the interviewing process and Commissioner Galloway offered to serve as a backup if she should be unable to participate.

Commissioner Galloway discussed Senate Bill 3 which designates a portion of NDOT funds to be utilized for the Crystal Bay/North Shore Beautification Project.

Commissioner Mouliot requested that a workshop be held with the Finance Department regarding the Board's budget priorities for the upcoming year.

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There being no further business to come before the Board, the meeting adjourned at 11:30 p.m.

JOANNE BOND, CHAIRMAN
Washoe County Commission

ATTEST: JUDI BAILEY, County Clerk